

The 27th August, 1980

No. 11(112)-80-3Lab/9945.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Janta Steel and Metal Co-operative Industrial Society Ltd., Mathura Road, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 72 of 1978

between

SHRI BHAGWATI PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S JANTA
STEEL AND METAL CO-OPERATIVE INDUSTRIAL SOCIETY LTD., MATHURA ROAD,
FARIDABAD

Present—

Shri P. K. De, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/11170-78/46235, dated 12th October, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Janta Steel and Metal Co-operative Industrial Society Ltd., Mathura Road, Faridabad, and its workman Shri Bhagwati Parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Bhagwati Parshad was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings, the issues were framed on 17th January, 1979 and the cases were fixed for the evidence of the management. The management took many opportunities for adducing their evidence. On 3rd July, 1980 the representative for the management filed a settlement arrived at between the parties, and the case was fixed for admission and denial of the settlement. On the last date the representative for the workman stated that the workman has settled the dispute with the management and the workman has left for good after taking his accounts from the management. In the circumstances, I give my award that the workman has settled the dispute with the management fully and finally and there is no dispute now pending for adjudication.

Dated 18th August, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 755, dated 21st August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3-Lab/9949.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Globe Wasti Mfg Co., 14/1, Mile Stone, Mathura Road, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

No. 9 of 1976

Application under Section 33-A of the Industrial Disputes Act, 1947

between

SHRI BELA RAM APPLICANT AND THE MANAGEMENT OF M/S GLOBE WASTI MFG.
CO., 14/1, MILE STONE, MATHURA ROAD, FARIDABAD

Present.—

Shri S. R. Gupta, for the applicant.

Shri O. P. Tyagi, for the management.

AWARD

This is an application under section 33-A of the Industrial Disputes Act. Notice of the application was sent to the management. The management filed reply. On the pleadings of the parties issues were framed on 17th November, 1976 and 11th January, 1977. And the case was fixed for the evidence of the workman. It is not necessary to go into the merits of the case, as a settlement was arrived at between the parties on the last date of hearing. Shri Deepak Verma Managing Partner of the respondent management stated that they shall pay Rs 7,500 against all claims of the workman and other dues if pending before the date of dismissal. The workman admitted the settlement and stated that after receiving the said sum he shall give up his right of reinstatement and other claims. In view of the above statements given by the parties, I give my award that the management shall pay Rs 7,500 against all claims of the workman and other dues if pending before the date of dismissal of the workman and after receiving the above said sum the workman shall not be entitled to any relief, including his right of reinstatement and other claims if any.

Dated the 18th August, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 748, dated the 21st August, 1980

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 28th August, 1980

No. 11(112)-80-3Lab/10005.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Escorts Tractors Limited, Sector-13, Plot No. 2, Faridabad :—

IN THE COURT OF SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 264 of 1980

between

SHRI METHREW M. M. WORKMAN AND THE MANAGEMENT OF M/S ESCORTS
TRACTORS LTD., SECTOR-13, PLOT NO. 2, FARIDABAD.

Present.—

None, for the workman.

Shri R. S. Chandna, Senior/Personnel Officer, for the management.

AWARD

This reference No. 264 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana, — vide his order No. ID/FD/82-80/30495 dated 20th June, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Methew M.M. workman and the management of M/s Escorts Tractors Ltd., Sector-13, Plot No. 2, Faridabad. The terms of the reference was :—

“Whether the termination of services of Shri Methew M.M. was justified and in order ? If not, to what relief is he entitled ?”

After receiving this reference notices were issued to both the parties for 22nd July, 1980. On that day, the representative of the management was present but no one was present on behalf of the workman. It was already 12-50 P. M. The case had been called thrice. There is report on the notice of this Court Peon that the concern workman does not lived in the address given in this reference, In these circumstances, I had to proceed *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 24th July, 1980.

On 24th July, 1980, the *ex parte* evidence of the management was recorded. The management produced Shri H.S Chandna, Senior Personnel Officer of the respondent Company its sole witness as MW 1. He stated on oath the workman had duly taken or received a sum of Rs 851.22 paise in full and final payment of his outstanding dues with the management. He executed the photo receipt vouchers of this amount which are Exts. M1 and M2 and same were placed on the file. He further stated that the workman had also forgone the right of re-insatement or re-employment with the management which is Ex. M3. He also stated that now there is no dispute left with the workman.

In view of the un-rebutted *ex parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workman in the proceeding in this court of this reference. I feel that the workman had settled his dispute with the respondent-management and it is held that the reference is bad, as no claim is made out of the workman against management, therefore, I give my award accordingly. No order as to costs. This may be read in answer of this reference.

Dated the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1571, dated 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 29th August, 1980

No. 11(112)-80-3Lab/10006.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Partap Steel Rolling Mills Pvt. Ltd. (Refracting Division) Plot No. 74, Sector-25, Ballabgarh.

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 45 of 1980, 49, 50, 51, 52, 53, 54,
55, 56, 57, 58 and 59 of 1980

between

SHRI BAKSHISH SINGH, INDER DEV SHARMA, AMAR SINGH, DEWAKAR, MOHD. HANIF, MOHD. ANESH FAZZAR, BRAHM DEV. ONKAR, NIADAR SINGH, WASI AHMED AND AYODHAYA PARSAD WORKMEN AND THE MANAGEMENT OF M/S. PARTAP STEEL ROLLING MILLS, PVT. LTD., (REFRACTORY DIVISION), PLOT NO. 74, SECTOR-25, BALLABGARH.

Present :—

None for the workmen.

Shri S. C. Malik, Time Office Incharge alongwith Shri K. P. Aggarwal, for the management.

AWARD

These reference Nos. 45, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59 of 1980 have been referred to this court by the Hon'ble Governor of Haryana,—vide his order Nos. ID/FD/80/6389 dated 4-2-80, 6711, 6717 6723, 6729, 6735, 6741, 6747, 6753, 6759, 6765 and 6771 dated 5.2.80 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between S/ Shri Bakshish Singh, Inder Dev Sharma, Amar Singh, [Dewakar Mohd. Manirf, Mohd. Anesh Fazzar, Brahm Dev, Onkar, Niadar Singh, Wasi Ahmed and Ayodhaya Parshad workman and the management of M/s Partap Steel Rolling Mills, Private Ltd. (Refractory Division), Plot No. 74, Sector-25, Ballabgarh. The term of the reference were :—

Whether the termination of services of S/Shri Bakshish Singh, Inder Dev Sharma, Amar Singh, Dewkar, Mohd. Hanif, Mohd. Anesh, Fazzar, Brahm Dev, Onkar, Niadar Singh, Wasi Ahmed and Ayodhaya Parshad were justified and in order? If not, to what relief they are entitled?

After receiving these reference notices were issued to both the parties who appeared and filed their pleadings. On 2nd April, 1980 I consolidated reference Nos. 50 of 1980 to 59 of 1980 with the file reference No. 49, of 1980 of Shri Bakshish Singh as these references are of the same nature facts and law, and the following issues are framed in reference No. 49 of 1980:—

1. Whether the services of the workmen have been terminated by the management? If so, to what effect? OPM
2. If the services of the workman were terminated by the management? Whether the termination of the services of the workmen is justified? OPM
3. Whether the workman abandoned their service of their own accord? If so, to what effect? OPM
4. Relief.

Then the case was fixed for the the evidence of the workmen.

On 1st August, 1980 the representative of the workman Shri P. K. De had withdrawn from these references voluntarily. In these circumstances, I had to proceed *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 4th August, 1980.

On 4th August, 1980 the *ex parte* evidence of the management was recorded. The management produced one witness Shri S. C. Malik, Time Office Incharge as MWI. He made a statement that the above said workman approached the management for settlement under section 18 (i) of the Industrial Dispute Act, 1947 which was arrived between the parties. The workmen have also taken their full and final dues from the management. The copies of settlement and photo copies of full and final dues of each workman are given below which are Ex. M1 to M-24.

| Sr. No. | Reference No. | Name of workman | Date of settlement. | Redeipt of full & final amount | Exhibits |
|---------|---------------|----------------------|---------------------|--------------------------------|-------------|
| 1. | 2. | 3. | 4. | 5. | 6. |
| 1. | 45 of 1980 | Sh. Bakshish Singh | 4.6.80 | Rs. 3,276-36 | M-1 & M-2 |
| 2. | 49 of 1980 | Sh. Inder Dev Sharma | 2.6.80 | 743-20 | M-3 & M-4 |
| 3. | 50 of 1980 | Sh. Amar Singh | 16.5.80 | 860-00 | M-5 & M-6 |
| 4. | 51 of 1980 | Sh. Dewakar | 12.6.80 | 1223-02 | M-7 & M-8 |
| 5. | 52 of 1980 | Sh. Mohd. Hanif | 22.5.80 | 821-76 | M-9 & M-10 |
| 6. | 53 of 1980 | Sh. Anesh | 11.6.80 | 910-25 | M-11 & M-12 |
| 7. | 54 of 1980 | Sh. Fazzar | 30.5.80 | 1,128-09 | M-13 & M-14 |
| 8. | 55 of 1980 | Sh. Brahm Dev | 4.6.80 | 897-16 | M-15 & M-16 |
| 9. | 56 of 1980 | Sh. Onkar | 4-6-80 | 993-93 | M-17 & M-18 |
| 10. | 57 of 1980 | Sh. Nidar Singh | 22.5.80 | 1,364-28 | M-19 & M-20 |
| 11. | 58 of 1980 | Sh. Wasi Ahmed | 4.6.80 | 1,233-59 | M-21 & M-22 |
| 12. | 59 of 1980 | Sh. Ayodhya Parshad | 30.5.80 | 2,922-18 | M-23 & M-24 |

He further stated that the above-said workmen have also for gone the right of reinstatement or re-employment with respondent management. He has also stated that now there is no dispute left between the parties.

In view of un-rebutted *ex parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workmen in these proceedings in this court in these references. I feel that the workmen had settled their disputes with the respondent management and no claim is made out of the workmen against the management. I give my award accordingly. No order as to costs. This may be in read answer of these references Nos. 45 of 1980, 49 of 1980 to 59 of 1980.

Dated the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1570, dated the 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said awards may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.